

Introduced by Senator Romero

February 22, 2007

An act to amend Section 17071.75 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 658, as introduced, Romero. School facilities.

Existing law, the Leroy F. Greene School Facilities Act of 1998, authorizes the State Allocation Board to apportion state funding to applicant school districts for designated school facilities construction purposes. Existing law establishes a method for calculating a school district's continued eligibility for new construction funding.

The act requires an applicant school district for new construction to submit to the board a one-time report of existing school building capacity that is to be calculated pursuant a specified formula and requires ongoing eligibility for new construction funding to be determined by completing a series of calculations based on projected enrollment compared to existing school building capacity.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17071.75 of the Education Code is
- 2 amended to read:
- 3 17071.75. After a one-time initial report of existing school
- 4 building capacity has been completed, the ongoing eligibility of a

1 school district for new construction funding shall be determined
2 by making all of the following calculations:

3 (a) A school district that applies to receive funding for new
4 construction shall use the following methods to determine projected
5 enrollment:

6 (1) A school district that has two or more schoolsites each with
7 a pupil population density that is greater than 115 pupils per acre
8 in kindergarten and grades 1 to 6, inclusive, or a schoolsite pupil
9 population density that is greater than 90 pupils per acre in grades
10 7 to 12, inclusive, as determined by the Superintendent using
11 enrollment data from the California Basic Educational Data System
12 for the 2004–05 school year, may submit an application for funding
13 for projects that will relieve overcrowded conditions. That school
14 district may also submit an alternative enrollment projection for
15 the fifth year beyond the fiscal year in which the application is
16 made using a methodology other than the cohort survival method
17 as defined by the board pursuant to paragraph (2), to be reviewed
18 by the Demographic Research Unit of the Department of Finance,
19 in consultation with the department and the Office of Public School
20 Construction. If the Office of Public School Construction and the
21 Demographic Research Unit of the Department of Finance jointly
22 determine that the alternative enrollment projection provides a
23 reasonable estimate of expected enrollment demand, a
24 recommendation shall be forwarded to the board to approve or
25 disapprove the application, in accordance with all of the following:

26 (A) Total funding for new construction projects using this
27 method shall be limited to five hundred million dollars
28 (\$500,000,000); from the Kindergarten-University Public Education
29 Facilities Bond Act of 2004.

30 (B) The eligibility amount for proposed projects that relieve
31 overcrowding is the difference between the alternative enrollment
32 projection method for the year the application is submitted and the
33 cohort survival method, as defined by paragraph (2), for the same
34 year, adjusted by the existing pupil capacity in excess of the
35 projected enrollment according to the cohort survival projection
36 method.

37 (C) The Office of Public School Construction shall determine
38 whether each proposed project will relieve overcrowding,
39 including, but not limited to, the elimination of the use of Concept
40 6 calendars, four track year-round calendars, or busing in excess

1 of 40 minutes, and recommend approval to the board. The number
2 of unhoused pupil grants requested in the application for funding
3 from the eligibility determined pursuant to this paragraph shall be
4 limited to the number of seats necessary to relieve overcrowding,
5 including, but not limited to, the elimination of the use of Concept
6 6 calendars, four track year-round calendars, or busing in excess
7 of 40 minutes, less the number of unhoused pupil grants attributed
8 to that school as a source school in an approved application
9 pursuant to Section 17078.24.

10 (D) A school district shall use the same alternative enrollment
11 projection methodology for all applications submitted pursuant to
12 this paragraph and shall calculate those projections in accordance
13 with the same districtwide or high school attendance area used for
14 the enrollment projection made pursuant to paragraph (2).

15 (2) A school district shall calculate enrollment projections for
16 the fifth year beyond the fiscal year in which the application is
17 made. Projected enrollment shall be determined by utilizing the
18 cohort survival enrollment projection system, as defined and
19 approved by the board. The board may supplement the cohort
20 survival enrollment projection by the number of unhoused pupils
21 that are anticipated as a result of dwelling units proposed pursuant
22 to approved and valid tentative subdivision maps.

23 (b) (1) Add the number of pupils that may be adequately housed
24 in the existing school building capacity of the applicant school
25 district as determined pursuant to Article 2 (commencing with
26 Section 17071.10) to the number of pupils for whom facilities were
27 provided from any state or local funding source after the existing
28 school building capacity was determined pursuant to Article 2
29 (commencing with Section 17071.10). For this purpose, the total
30 number of pupils for whom facilities were provided shall be
31 determined using the pupil loading formula set forth in Section
32 17071.25.

33 (2) Subtract from the number of pupils calculated in paragraph
34 (1) the number of pupils that were housed in facilities to which
35 the school district or county office of education relinquished title
36 as the result of a transfer of a special education program between
37 a school district and a county office of education or special
38 education local plan area, if applicable. For this purpose, the total
39 number of pupils that were housed in the facilities to which title
40 was relinquished shall be determined using the pupil loading

1 formula adopted by the board pursuant to subparagraph (B) of
2 paragraph (2) of subdivision (a) of Section 17071.25. For purposes
3 of this paragraph, title also includes any lease interest with a
4 duration of greater than five years.

5 (c) Subtract the number of pupils pursuant to subdivision (b)
6 from the number of pupils determined pursuant to paragraph (2)
7 of subdivision (a).

8 (d) The calculations required to establish eligibility under this
9 article shall result in a distinction between the number of existing
10 unhoused pupils and the number of projected unhoused pupils.

11 (e) Apply the increase or decrease resulting from the difference
12 between the most recent report made pursuant to Section 42268,
13 and the report used in determining the baseline capacity of the
14 school district pursuant to subdivision (a) of Section 17071.25.

15 (f) For purposes of calculating projected enrollment pursuant
16 to subdivision (a), the board may adopt regulations to ensure that
17 the enrollment calculation of individuals with exceptional needs
18 receiving special education services is adjusted in the enrollment
19 reporting period in which the transfer occurs and three previous
20 school years as a result of any transfer of a special education
21 program between a school district and a county office of education
22 or a special education local plan area. However, the projected
23 enrollment calculation of a county office of education *only* shall
24 ~~only~~ be adjusted if a transfer of title for the special education
25 program facilities has occurred. The regulations, if adopted, shall
26 ensure that if a transfer of title to special education program
27 facilities constructed with state funds occurs within 10 years after
28 initial occupancy of the facility, the receiving school district or
29 school districts shall remit to the state a proportionate share of any
30 financial hardship assistance provided for the project pursuant to
31 Section 17075.10, if applicable.

32 (g) For a school district with an enrollment of 2,500, or less, an
33 adjustment in enrollment projections shall not result in a loss of
34 ongoing eligibility to that school district for a period of three years
35 from the date of the approval of eligibility by the board.